

today? Would they stand by their decision to silence the minority party and minority Senators? Would they agree with President Biden's statement, "Let the majority prevail"?

Well, we don't have to wonder because we have seen this movie before. Our colleagues have already expressed regrets over the previous filibuster carve-out.

Contrary to the strong statement Democrats made in 2005 advocating for the filibuster to be maintained, they started chipping away at it just 8 years later.

In 2013, Democrats eliminated the 60-vote threshold for judicial nominees, and the move has haunted them for nearly a decade and resulted in the confirmation of three Supreme Court Justices during President Trump's term of office.

Back then, when they invoked the nuclear option, Leader MCCONNELL said:

You will regret this, and you may regret this a lot sooner than you think.

Reflecting on that moment a few years ago, Senator BENNET, one of our Colorado colleagues, was clear. He said Senator MCCONNELL was right.

Under the previous administration, the Republican-led Senate confirmed more than 230 conservative judges, all thanks to the Democrats' elimination of the filibuster when it comes to nominations.

The senior Senator from Colorado isn't the only one who has shown remorse after ending up on the losing side of that rules change. Senator TESTER, our colleague from Montana, said voting on that rule change was "probably the biggest mistake [he] ever made."

Senator SHAHEEN, our colleague from New Hampshire, concluded that "it has not served us well."

Even Senator SCHUMER, the majority leader, has said that "I wish it hadn't happened."

And as a reminder, this is only in reference to Federal judges. These individuals hold tremendous power, no mistake about it.

But now we are talking about rule changes that stipulate how laws are made, not how nominations are considered. This is the so-called legislative calendar, and what happens in the wake of this change would impact every single family across the country.

When Republicans, inevitably, at some point, take the majority again, it would be a simple thing, with 51 votes, to dismantle all of the laws that our Democratic colleagues have passed if they were to eliminate the filibuster. Then, of course, when Democrats take control again, the reverse would happen.

You know, I think that the 60-vote requirement is forcing us to do something that doesn't come natural, and that is to force us to work together to build consensus. I think that is what the American people want us to do, to work together. And the filibuster, that

60-vote requirement to close off debate, forces us to do just that. It eliminates the possibility that we can, with a mere majority of 51 votes, have our way, only to see it reversed after the next election. That is not good for the country. That is not good for our constituents. That doesn't create the sort of predictable, enduring laws that the American people should be able to rely on.

Well, when it comes to eliminating the filibuster, Senator Biden's line about "the arrogance of power" is exactly that. At some point, the shoe will be on the other foot—it always happens—which is why no party, neither party, has been so shortsighted, until now, to try to eliminate the legislative filibuster. No party has ever been so power hungry and so shortsighted as to shatter the norms and traditions of this institution.

I would like to close with one more quote from then-Senator Biden back in 2005. He said:

What shortsightedness, and what a price history will exact on those who support this radical move.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

VOTING RIGHTS

Mr. RUBIO. Mr. President, last week, the Vice President of the United States told us that a riot that happened here in the U.S. Capitol last year was the equivalent of the day in which Japan attacked us at Pearl Harbor and the United States was pulled into a world war that took the lives of over 3 percent of the world's population.

And yesterday, we were treated to the President telling us that election laws that are being passed by various States across the country over the last year are basically the same, the equivalent, of the segregation that existed in this country in the 1950s and 1960s and before.

Now, look, if your daily routine is to wake up in the morning and turn on MSNBC as you ride your Peloton and then you go on Twitter as you are drinking your caramel macchiato and then you are reading the New York Times as you are eating your avocado toast, I imagine all this makes perfect sense to you. After all, for these people, they believe this ridiculous narrative that every Republican—every Republican—is an insurrectionist, probably a racist, wants to overthrow the U.S. Government, and wants to destroy democracy.

The good news is that the overwhelming majority of Americans happen to live back here on planet Earth. And what they are worried about, to the extent they even pay attention to any of this stuff that has been said over the last 2 weeks—what they are really worried about is the fact that everything costs more; you go to the grocery store and the shelves are empty; they have a small business and they hire someone on Monday who just disappears on Thursday and never

comes back; you have got, every day, thousands of people illegally entering the United States across an open border; and, by the way, we have a surge in violent crime and lawlessness across the country. That is probably what they are worried about—in fact, I know it is—on a daily basis.

But to the extent they have paid attention to any of this, let me tell you something. First of all, I think almost everyone would tell you that what happened on January 6 here was a terrible thing; it should never have happened; and it should never happen again.

But I don't care how many candlelight vigils and musical performances you have from the cast of "Hamilton," you are not going to convince, at least most normal and sane people, that our government last year was almost overthrown by a guy wearing a Viking hat and Speedos. OK?

And I don't care, you know, how many of these speeches the President gives in which he shouts out this hyperbole and all this melodrama, you are not going to convince people that having a State pass a law that says, for example, that you have to produce an identification is the same as segregation.

Nevertheless, despite the fact that that is what most people in this country are worried about—inflation and all these other things—that is not what we are working on here. That is not what we will spend this week on. That is not what the priority of this administration has been. That is not what the President is giving speeches about. You may care about inflation back home. They care about the fact—their crisis is that there are some laws in this country, for example, some States in this country, that do not automatically force everyone to register to vote. They just automatically register them. Well, that is the crisis.

They don't care that store shelves are empty. In fact, they have denied that the store shelves are actually empty.

For them, the real problem is that States have laws, for example, that don't allow these roving gangs of activists to bully people into turning over their ballot so they can show up at 6:59 p.m. on election day and just dump it on an elections official.

And by the way, they don't seem overly concerned that there are Americans that will be fired or not allowed into a restaurant unless they can produce their papers, their vaccine card.

The real problem is how dare you ask them to produce a voter ID—a photo ID in order to vote. That is their real problem.

So how can this be? I mean, how can there be such an enormous disconnect between what real people in the real world care about and are talking about on a daily basis and what we are going to spend our time talking about here and these speeches that have been given over the last week?

It isn't about the Capitol riot. Everyone agrees the Capitol riot was terrible and shouldn't have happened—I think most everyone does. But these are some of the same people who downplayed over 700 riots, thousands of cases of looting that happened in America in the summer of 2020.

It most certainly isn't about election laws that have been passed in the last year. They have been pushing these same bills with different titles and different names—they have been pushing all of this for the better part of a decade.

And it certainly isn't about voting rights. It is easier than it has ever been in the history of the United States to register to vote and to vote. And the proof is that in 2020, we had the highest turnout in over 100-and-something years. This isn't about any of that.

If you are paying attention, let me tell you what this is about. This is about power. It is about power. This is about changing the rules of the Senate so they have the power to ram through—to ram through—an election law. And this is about ramming through an election law to make sure that they never lose power, to make it easier to win elections for them and, therefore, have power for perpetuity.

You want to talk about defending democracy? Let's talk about the Americans, real people, who are afraid to donate to a political campaign, to put a bumper sticker on their car, to tell people who they voted for. They are afraid because they don't want to get canceled; they don't want to get boycotted; they don't want to get harassed—so they are afraid. They don't want to get smeared.

Do you want to talk about totalitarianism? Let's talk about the fact that the Attorney General of the United States has said let's go after some of these parents complaining at school boards and treat them as domestic terrorists.

And, listen, if you want to talk about segregation, then let's talk about a system of education that is both separate and unequal, divided between the people who can afford to spend \$50,000 or \$60,000 a year to send their kids to a fancy school where they get SAT tutoring and they get all kinds of advantages and the thousands—no, millions—of American parents who are Hispanic and African American and others who have no choice whatsoever as to where their kids go to school. They have no voice. They have to send their kid to the school the government tells them.

These people don't care about any of this because it is about power. It is not just the power to change election laws. We have seen it. It is about the power to tell you what you are allowed to say. It is about the power to tell you where you are allowed to go. It is about the power to tell you what you are allowed to do. It is about the power to intimidate, to destroy, to smear, to call a racist, a bigot, a hater anyone who

dares get in your way, anyone who dares disagree with you. It is about the power to do that.

Well, let me tell you something. I was raised by and have lived my entire life alongside people who lost their country, the country of their birth, to power-hungry people just like that.

I warn you, do not stand by and allow it to happen to this one.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

JANUARY 6

Mr. MURPHY. Mr. President, I wish it were the case that everyone agrees that what happened here on January 6 was an abomination, but that is simply not true. That is simply not true. Many of my Republican colleagues will say the right things on the Senate floor—occasionally will whisper the right things to us when the cameras aren't watching. But a recent poll—a non-partisan Monmouth University poll—asked Republican voters whether or not they thought January 6 was a legitimate protest. And guess what. Half of Republican voters in this country say that the invasion of this Capitol that involved chants for the death of the Vice President, a gallows outside the U.S. Capitol—half of Republicans believe that that was a legitimate protest. Seven out of ten Republicans today don't believe that Joe Biden is the legitimate President. They believe that Donald Trump won the election, despite the fact that he lost by 7 million votes.

And the reason for that is mostly that the leader of the Republican Party, Donald Trump, has been legitimizing violence, urged those protests and that insurrection attempt, cheered them at the end of the day on January 6, and also because we have seen mostly silence from mainstream Republicans who know better but don't want to pick a fight with President Trump.

So, yes, we are worried about the future of our Republic. We are worried about the future of our Republic because a mainstream political party has gotten behind the idea that power matters more than elections; that violence is a legitimate means of protest.

So this idea that everybody agrees that January 6 was an abomination just isn't true. It is not true, and that is, in part, why we are so worried.

FILIBUSTER

Mr. President, I want to talk about two subjects today, and the first is this question of the rules of the Senate because I have listened with great interest over the last few days as my Republican colleagues have come down to the floor to extol the virtues of Senate tradition. They explained the danger of changing the rules so that the majority vote in the Senate can pass legislation.

It doesn't sound like a radical idea; that if the majority of Senators want a piece of legislation to pass, it should pass. But this idea that the filibuster is part of the original design of our democracy or our Senate or that the cur-

rent use of the filibuster is consistent with Senate tradition is just not true.

Our Founding Fathers—yes, they built a system of government that was designed to make rapid change, even change supported by the majority of voters, really, really hard to implement.

They designed two different legislative Chambers, the President with veto power, staggered terms for Senators, but our Founding Fathers considered a supermajority requirement for legislation in the Congress, and they rejected it as too great a limitation on the will of the people.

Now, admittedly, at the time of our founding, there were other checks on the voters' will being quickly transformed into policy changes. Back then, for instance, only White men could vote. The citizenry at the time wasn't even trusted to directly elect the Members of this body. But in the decades that followed, the American people demanded more democracy, and they got it.

Why? Because as our grand experiment of democracy continues, we saw proof of concept. The people could be trusted to govern themselves. They could choose leaders who were more able, more honest, more effective than any King or Queen or Sultan or Emperor.

So we extended the franchise universally. We decided to have the Senate be directly elected, and as America expanded, the new States out in the West, they gobbled up even more democracy. The West decided to elect not just legislators but judges and prosecutors, dog catchers and insurance commissioners. The majoritarian rule, as America grew, became addictive, and as our country grew, our citizens demanded more of it.

Now, in the context of the Founders' intentions and the long-term trend toward more democracy, this 60-vote requirement, this supermajority requirement in the Senate, which doesn't exist in any other high-income democracy—it stands out like a sore, rotting thumb. This anti-majoritarian drain clog is designed intentionally to stop the majority of Americans from getting what they want from government because that is what it is.

Why should it not be up to the voters and not politicians to decide the laws of this Nation?

With a 60-vote threshold, that decision is robbed from voters. Given that only one-third of the Senate is up for election every 2 years, it is just impossible for voters on their own to move one party from, say, 46 or 48 Members of this body to 60 Members in one election, and we all know this.

But right now the American public is in no mood for the choices of elites to be continually substituted for their collective judgment. Right now, Americans are in a pretty revolutionary mood, and you can understand why. More Americans today than at any time in recent history see themselves